

REMARKS

This amendment is in response to the Non-Final Office Action dated January 4, 2005. Claims 1, 14, 16, and 29 have been amended. No new claims have been added. Claims 1-30 are pending.

Claims 1-2, 14-17, 29 and 30 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 1, 14, 16 and 29 have been amended as suggested by the Examiner. Therefore, it is respectfully submitted that the rejection of claims 1, 2, 14-17, 29 and 30 should be withdrawn.

Claims 1-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser (US Pat No. 5,953,731) in view of Foley (US Pat No 5,706,502) and further in view of Kirkner (Netscape Site, 1996 QUE Corporation, pages 524-535). This rejection is respectfully traversed.

Claim 16 recites “a first page object control on a first page for scanning said first page for content to create a list of at least one of a method and a property present on said first page.” Neither Glaser, Foley, nor Kirkner, either alone or in combination teach or suggest a page object control for scanning a first page for content to create a list of at least one of a method and a property present on said first page. Even assuming *arguendo* that the applets of Glaser or Foley or the HTML code of Kirkner were equivalent to the page object control of claim 16 as the Examiner contends, the applets of Glaser or Foley and the HTML code of Kirkner fail to scan the page on which they are located. It is even arguable that the applets or HTML code are even located on pages at all. Therefore, the rejection should be withdrawn.

Applicants maintain all prior arguments and positions as set forth in the Amendment dated August 19, 2002; Request for Reconsideration dated February 7, 2003; Appeal Brief dated May 21, 2003; Preliminary Amendment dated October 14, 2003; Amendment dated April 14, 2004 and Amendment dated September 13, 2004. The Office Action continues to rely on Glaser to provide the “page object control” and continues to equate the same elements with the “page object control” as well as methods or properties under the same rationale. Because the Office Action substantially maintains its prior position, Applicant’s prior arguments and positions are still applicable.

The Examiner has failed to address the deficiencies of Glaser. For example, as stated previously, Glaser merely discloses an applet that is copied into a window on a computer display. Glaser does not pertain to the use of the reference page as an object. The Examiner has not provided a rationale as to how the Applet of Glaser is suggestive of the page object control of the present invention other than the use of the term “control” in the abstract of Glaser.

Foley does not make up for the deficiencies of Glaser. The Examiner asserts that Foley teaches “a project manager allowing copying of various project methods into other files ... icons referencing various applets with other related methods and properties ... which can be imported and copied accordingly ...”. Even assuming *arguendo* that these assertions are correct, Foley still fails to teach or suggest implementing at least one of a method and a property associated with a first page without transferring the method or property associated with said first page to said referencing page. Moreover, Foley merely discloses applets. As stated previously, neither Glaser nor Foley, either alone or in combination teach or suggest the page object control of the present invention.

The Examiner continues to improperly equate the Applet of Glaser or Foley with the page object control of the present invention but admits that Glaser and Foley fail to teach or suggest implementing the method or property (i.e., “applet” or its code, according to the Examiner) without transferring the “applet” from the first page to the second page. The Examiner now relies on Kirkner to make up for the deficits of Glaser and Foley. However, contrary to the Examiner’s assertions, Kirkner fails to cure the deficiencies of Glaser and/or Foley.

Kirkner discloses inserting HTML code into a web document by reference. The Examiner asserts that Kirkner discloses calling an external file for instantiation of code (e.g., code for a button bar). However, the Examiner continues to rely on the erroneous view that the applets of Glaser and/or Foley are equivalent to the page object control of the present invention and further assumes that the HTML code for the button bar of Kirkner is the same as the applets of Glaser and/or Foley as well as the same as the page object control of the present invention. As set forth above and in previous amendments, these assumptions are incorrect. Furthermore, the Examiner’s new assumption that the HTML code of Kirkner is suggestive of the page object control of the present invention is misplaced. For example, claim 1 recites that the first page object control is on a first page and contains a list of at least one of a method and a property associated with the first page. The HTML code of Kirkner is merely code to be included on an HTML page but does not contain a list of at least one of a method and a property associated with the page itself.

Moreover, Glaser (and Foley) merely disclose dragging and dropping applets from one window to another but fail to teach or suggest *not* transferring applets from one window to another. In fact, the whole purpose of the Glaser disclosure is to drag and drop an applet and its contents into a window from another window. The Examiner fails to describe any reasonable

motivation for one of ordinary skill in the art, given the disclosure of Glaser in which applets are *required* to be dragged from one window to another, to modify this disclosure by *not* dragging an applet from one window to another. The Examiner's assertion that one of ordinary skill in the art would have been motivated to combine Kirkner and Glaser to provide "additional benefit" is based on at least the following erroneous assumptions:

- 1) the applet of Glaser (or Foley) is the same as the page object control of the present invention,
- 2) the applet of Glaser (or Foley) is on a first page,
- 3) the applet of Glaser (or Foley) contains a list of at least one of a method and a property associated with the first page,
- 4) another applet of Glaser (or Foley) is on a second page,
- 5) the other applet of Glaser (or Foley) is the same as a page object control of the present invention,
- 6) the applet of Glaser (or Foley) on a second page is capable of instantiating the applet of Glaser (or Foley) of the first page onto the second page,
- 7) the applet of Glaser (or Foley) on the second page is capable of implementing the at least one of a method and a property associated with the first page into the second page, and, most importantly,
- 8) one of ordinary skill in the art would not drag and drop the applet of Glaser (or Foley) from one window to another on a computer display despite the explicit teaching to do so in Glaser (or Foley) because Kirkner discloses incorporating HTML code into a page by reference.

The Examiner asserts that the motivation to oppose the disclosure of Glaser or Foley is because doing so would provide "additional benefit." However, contrary to the Examiner's assertions, one of ordinary skill in the art would not be motivated to modify Glaser or Foley at least because:

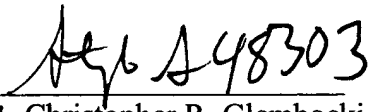
- 1) none of the above assumptions is correct and
- 2) one of ordinary skill in the art would not consider it an "additional benefit" to fail to perform a required step in the disclosures of Glaser or Foley.

Claims 3, 8, 12, 14, 18, 23, 27, and 29 are similar to claim 1 or 16 and are allowable for at least the reasons set forth above for claim 1.

Claims 2, 4-7, 9-11, 13, 15, 17, 19-22, 24-26, 28 and 30 depend from corresponding independent claims 3, 8, 12, 14, 16, 18, 23, 27, and 29 and are allowable for at least the reasons set for above.

In view of the above, it is respectfully submitted that the application is in condition for allowance. Reconsideration and prompt allowance are respectfully requested. If the Examiner has any questions, he is invited to contact the undersigned to further prosecution.

Respectfully submitted,

By: 
Christopher R. Glembocki
Registration No. 38,800

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 824-3000

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